

HUMAN SERVICES BOARD

In re) Fair Hearing No. 21,208
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Appeal of)

The petitioner appeals a decision of the Department for Children and Families (DCF), Economic Services Division, denying his application for Food Stamps. The issue is whether the petitioner's resources exceed the resource limit for Food Stamps.

1. The petitioner is a retired individual who lives alone in senior housing. He applied for Food Stamps on November 15, 2007. In his application the petitioner reported that he has an IRA, the value of which is approximately \$23,000. The petitioner reports that in addition to his other fixed income he withdraws a monthly amount of \$93 from the IRA.

2. Based upon this information, the Department found that the value of the IRA, after allowable deductions, exceeded the Food Stamp resource limit of \$3,000, and, as a

result, it issued a notice to petitioner that he had been found ineligible.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp regulations, the maximum allowable resource limit for a household with an elderly or disabled member is \$3,000. W.A.M. § 273.8(b). IRAs are considered a liquid resource and the Department must consider the total cash value less any penalties for early withdrawal. Id. § 273.8(c)(1), Fair Hearing No. 19,964. Here, there is no question that the net value of the petitioner's IRA far exceeds the Food Stamp resource limit. Thus, the Department's decision finding the petitioner ineligible for Food Stamps must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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